

REMARKS

Claims 1, 3, 5, and 7-12 are currently pending in the application. Applicants gratefully acknowledge the reopening of the prosecution of this application in response to the Pre-Appeal Brief Request for Review filed November 17, 2005.

According to the claimed invention, information about a purchase candidate commodity, including customized specifications, is stored in a seller server. Various information, including customized specifications and the latest information about the purchase candidate commodity, is displayed on a user terminal. The invention thus includes:

- (1) Checking whether the parts of the customized commodity are available for sale at present, then confirming the latest price of these parts and calculating the price of the customized commodity one more time; and
- (2) Checking whether the latest information about purchase candidate commodity has been updated, and similarly whether the latest information about the parts for the customized commodity has been modified.

Claims 1, 3, 5, and 7-12 stand rejected under 35 U.S.C. § 103(a) as obvious in view of U.S. Patent Application No. 2002/0029171 to Senior and further in view of U.S. Patent No. 5,808,894 to Wiens et al. Applicants respectfully traverse on the basis that the claims are not suggested by a combination of Senior and Wiens et al.

Claims, 1, 3, 5, and 7 (from which the other claims depend) require a commodity selling system providing a user with, among other things:

[I]nformation related to a plurality of purchase candidate commodities, said information being selected from the group consisting of current price, delivery date, customized specifications, and accessories to be included with a purchase, and

[O]ther information which includes new information or changes related to a purchase candidate commodity that have occurred since said time of selection of said purchase candidate commodity.

(Claim 1, lines 9-14; *see also* Claim 3, lines 6-12; Claim 5, lines 7-12; and Claim 7, lines 7-12) (emphasis added)

In rejecting Claims 1, 3, 5, and 7-12, the Examiner concedes the fact that

Senior does not suggest providing information other than price and quantity:

Senior does disclose selecting an information related to the purchase of commodity; information is based from [sic] a group consisting of current price, delivery date, customized specifications, does not explicitly disclose new information or changes related to a purchase candidate commodity that have occurred since said time of selection of said purchase candidate commodity.

(Office Action at 3) Recognizing the deficiency of Senior, the Examiner relies on Wiens et al.:

[B]ut Wiens discloses information file [sic] that may be viewed by the customer at any time by selecting a menu choice such as “view recent price changes” or the like from the customer computer (col. 7, lines 5-12).

(*Id.*)

The Examiner’s reliance on Wiens et al. is in error. Wiens et al. do not make up for Senior’s failure to suggest providing information other than price and quantity. Wiens et al. do not teach providing “current price, delivery date, customized specifications” and accessories. (Office Action at 3; *see also* Claim 1, lines 10-11, Claim 3, lines 7-8, Claim 5, line 8, and Claim 7, line 8). Nor do Wiens et al. teach updating such information. (Claim 1, lines 9-14, Claim 3, lines 6-12, Claim 5, lines 7-12, and Claim 7, lines 7-12) Instead, Wiens et al. teach providing the “most recent prices, availability of services and products offered by the vendor”:

The information file may be viewed by the customer at any time by selecting a menu choice such as “View Recent Price Changes” or the like from the customer computer. This feature of the present invention allows the customer to have constant access to the most recent prices, availability of services and products offered by the vendor, and thus allows the customer to make better decisions concerning whether to purchase particular products or services.

(Wiens et al., column 7, lines 5-12) (emphasis added)

Therefore, since Wiens et al. do not teach features of the claimed invention which are missing from Senior, a combination of Senior and Wiens et al. does not suggest the claimed invention.

Conclusion

In view of the foregoing, it is respectfully requested that the application be reconsidered, that Claims 1, 3, 5, and 7-12 be allowed, and that the application be passed to issue. Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees for the petition or for entry of this amendment to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson P.C.).

Respectfully submitted,



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